



**STATE OF MONTANA
DEPARTMENT OF CORRECTIONS
POLICY DIRECTIVE**

Policy No. DOC 3.3.9	Subject: OFFENDER MARRIAGES
Chapter 3: FACILITY/PROGRAM OPERATIONS	Page 1 of 2
Section 3: Rights and Privileges	Effective Date: May 1, 1997
Signature: /s/ Mike Batista, Director	Revised: 06/26/2015

I. POLICY

It is the policy of the Department of Corrections to consider an inmate's request to be married while incarcerated to an incarcerated or non-incarcerated individual; marriages of juveniles in correctional facilities will be prohibited unless warranted by extraordinary circumstances. Inmate marriages must conform to the laws of the state of Montana.

II. APPLICABILITY

Secure care facilities under the supervision of, or contracted to, the Department of Corrections.

III. DEFINITIONS

Administrator - The official, regardless of local title (division or facility administrator, bureau chief, warden, superintendent), ultimately responsible for the division, facility or program operation and management.

IV. DEPARTMENT DIRECTIVES

A. General Requirements

1. A request to be married may be granted at the discretion of the administrator, or designee; inmates requesting to be married must request in writing to the administrator.
2. The administrator, or designee, must review the request with clinical and case management staff prior to approval.
3. Expenses and arrangements associated with the marriage will be the responsibility of the inmate or paid through other non-Department resources.
4. Marriage ceremonies will take place on prison property.
5. Conjugal visits or special privileges are not allowed under any circumstance.
6. Co-defendants of an on-going investigation or judicial process will not be allowed to marry until all cases have been fully adjudicated.

B. Eligibility Criteria

1. Minimum qualifications prior to consideration for marriage approval include:
 - a. inmate and potential marriage partner must meet all legal qualifications for marriage;
 - b. participation in a marriage counseling session with the facility chaplain or counselor;
 - c. inmate must exhibit clear conduct for a minimum period of six (6) months; and

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- d. a current custody classification level of Medium or Minimum.
3. Inmates with a criminal or civil record of domestic abuse will not be approved for marriage.

V. CLOSING

Questions concerning this policy should be directed to the facility administrator.

VI. REFERENCES

A. *2-15-112, MCA; 53-1-203, MCA*

VII. ATTACHMENTS

None